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THE NEW CONSTITUTION OF RUMANIA

642 The new Constitution of the People's Republic of Rumania of September,
829 will in all probability become a landmark in the constitutional history

of the Soviet world. It is the first document to reconcile the conflict hitherto existing between the satellite constitutions and two Soviet official theories: the one, relating to the essence and character of the "New Democracies," emphasizes in its latest version the substantial identity of the political and economic structures of the two types of "Soviet" and "popular" democracies; the other, the Soviet theory on constitutional law, supports the thesis that there can be no divergence between constitution and society in a "socially advanced and progressive" state. Previous satellite constitutions, however, in contradiction to Soviet legal theory that the constitution is a mirror reflecting changing reality—the legal crystallization of existing arrangements—did not correspond to the fundamental changes occurring in the state.

The new Rumanian Constitution,¹ however, assumes to reflect the enormous transformations that have taken place in the political and socio-economic life of the country since March, 1948, when the first Constitution of the People's Republic of Rumania was adopted. In the interval, the means of production, transportation, and banking have been nationalized; the "socialist sector" of agriculture has been widened by the ever-growing influence of the state through the establishment of state farms ("sovchozi") and tractor stations; collectivization of land has been consistently pursued through a policy aiming at the elimination of the "kulak" elements and the support of the lower and middle strata of the peasantry; two monetary reforms have completely changed the financial status of the population—while the leu has been stabilized and pegged to the ruble, the people have been deprived of their savings; the structure and functions of the central and local governmental agencies and of the judiciary has gradually developed along Soviet lines; the opposition has been eliminated and the rank-and-file of the Communist Party purged of "unreliable" or "deviationist" elements.

The new Constitution, as a whole, very closely approximates to its Soviet prototype. While the Constitution of 1948—advanced as it was at the time from the Soviet legal point of view—preserved some outward manifestations of "bourgeois constitutionalism," particularly in its technique and its neo-latin legal style, the framers of the new Constitution carefully avoided

¹ The new Constitution of the People's Republic of Rumania was adopted by the Grand National Assembly on September 24, 1952. It differed little in substance from the original Draft submitted to the Assembly (March 27, 1952) by the Constitutional Commission headed by Gheorghe Gheorghiu-Dej, President of the Council of Ministers and Secretary-General of the United Workers' (Communist) Party. Out of the 18,836 "suggestions for amendments" offered by the population, only 34 were accepted. Of these 28 were primarily editorial, 2 changed the composition of the Council of Ministers, one stipulated the tax-levying authority of the Grand National Assembly, and one provided for the inclusion of the initials RPR (Rumanian People's Republic) in the country's emblem. Two amendments, however, were more significant. One eradicated the peasantry's personal property rights, granted in the Draft, to the land and farm implements which they brought into the collectives; the other, seeking to dissipate the democratic world's allegations that the country had obviously become a "Soviet province," purports to establish the principle of complete sovereignty by the inclusion of the provision that Rumania is a "unitary, sovereign, and independent" state.

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665 inhabitants, they had remained a field for partisan skirmishes among the different factions of the boyars and the growing financial and industrial interests. The limited ambit of politics was not, however, altogether the responsibility of the boyars, though most of them certainly cannot be charged with equalitarian leanings.

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621 Much has been written in Rumania on the primitive state of the peasant, his inability to govern himself, and the necessity for his gradual, supervised initiation into the mysteries of government. While such writings often conceal an *arrière pensée*, they contain one element of truth: the economic role of the peasant, as a relatively self-contained and self-sufficient producer, does confine the orbit of his interests to his village. This limitation of interests has nothing to do with any shortcomings on the part of the peasant, but merely means that his economic and social life does not extend into many of the fields which comprise the necessary activities of modern governments. The immediate and obvious wishes of the peasant—such as more land, more lenient credit, and lower taxes—cannot be the satisfactory basis of a political program unless they can be related to some means of realizing them. The possibility of their direct and immediate fulfillment in Rumania was limited; the indirect measures which could ultimately improve his status—the over-all increase of the nation's productivity and capital—involved questions quite beyond his understanding as a peasant, if not as an individual.

565 In all states there is a gap between the desires of the average voter and the complexities of economic and administrative activity; in Rumania this gap was accentuated by the fact that almost four-fifths of the population was of the peasantry. Moreover, since such a large percentage of the population was devoted to one occupation, there was relatively little scope for the diversified play of economic and social interests in politics such as characterizes a more advanced society. Rumanian writers, regretting the division of their society between a formless mass of peasants and an oligarchic ruling group, have perennially pined for the emergence of a middle class. During the interwar period the base for political activity broadened somewhat through increasing industrialization, through the growth of a more numerous middle peasantry, and through strong regional interests in the new provinces, but the great bulk of the electorate was still the poor peasantry, whose chief historical means of declaring its wishes had been in sporadic and unsuccessful uprisings.

660 Partly for these reasons the extension of the suffrage after the First World War did not lead to political democracy. Politics, which retained a distinctly Phanariot flavor, was the art of taking advan-

early 1920's although many of the changes were implicit in the earlier writings. In 1923 he had wanted to reformulate liberalism to meet contemporary requirements. By 1930 he was attempting a total refutation of the classical theory of international trade as it had come down from Ricardo. The core of his new theory, which he reiterated incessantly, was that "the product of the labor of an industrial workman is almost always exchanged for the product of the labor of several agricultural workmen."¹⁷ From this premise he concluded that international exchange was only to the benefit of the industrial country and furthered the economic domination of the European industrial states.

The economic domination of a country signifies the economic state which allows the produce of the labor of its workmen to be exchanged for the produce of a larger number of workmen of other countries. In the life of nations, as in the life of individuals, wealth never comes only from one's own labor. "Make others work for you" has always been the classical means of becoming wealthy.¹⁸

If an agricultural country is absolutely unable to produce industrial goods it is obliged to make this disadvantageous exchange, but if it can produce an industrial article—even at a permanently higher cost than a foreign industrial state—it should do so rather than import. Thus, even though it might require the labor of 300 Rumanian workmen to produce a quantity of cloth that could be produced by the labor of 100 British workmen, it would still be advantageous to do so, if, to import the cloth, Rumania was obliged to export a quantity of wheat which had required the labor of 500 workmen. With his theory of permanent protection, Manoilescu was quite critical of those protectionists, such as List, who had gone only halfway and rested their argument on the fostering of infant industries. He demanded protection, however, only for those industries whose "productivity surpasses the average productivity of the country." He opposed autarky, which he thought defensible only as a measure of preparedness for war, and did believe in an international division of labor, but one which was based upon specialization within different branches of the more productive industries.¹⁹

revised and expanded version later appeared in German, *Die nationalen Produktivkräfte und der Aussenhandel* (Berlin, 1937).

17. Manoilescu, *Theory of Protection*, p. vi.

18. *Ibid.*, p. vii.

19. It is unnecessary here to give an account of his quite lengthy effort to provide a mathematical refutation of the principles of free trade. His chief attack was upon

● 829 665 Regardless of the theoretical merits or fallacies in Manoilescu's analysis, it is obvious that he had made a clean break with economic liberalism. Moreover, he flatly denied the premise upon which the Peasantist economists had based their argument.

An agricultural country cannot raise itself by increasing slowly and uniformly the income of all its agricultural producers. Economic progress never spreads in a similar manner in all parts of a country. All the work of progress begins through a *center* or *nucleus of progress* and these nuclei are formed by the industries which represent a superior productivity.²⁰

Far from admitting the Peasants' attack on "artificial industry," he held the artificiality of the support to be of no consequence so long as his rather loosely defined "productivity" increased.

The principal danger in Manoilescu's doctrine lay not in its stress upon industry nor in its denial of the ability of Rumanian agriculture to lift its own level of productivity. Industrialization in some form appears to be a necessary element in raising the miserable economic conditions of the peasant states of southeastern Europe, and it is quite unlikely that remedies sought in the agricultural sphere alone can produce an adequate alleviation. But in Rumania the critical question in many cases is not what is to be done but who is to do it.

In a country with such marked social and economic inequalities, with industry monopolized in the hands of a narrow, state-subsidized group, Manoilescu's doctrine of protectionism would have the fatal

the famous Ricardian cloth and wine example of comparative costs in the determination of exports. In my opinion he gains little in attempting to make a logically watertight demonstration, and indeed by trying to establish an absolute argument on the basis of a much oversimplified model he weakens the argument that in practice the operation of free trade has caused backward agricultural countries very serious difficulties. In particular he seems to underestimate the problems involved in the task of increasing the productivity and capital intensity per worker and assumes that protectionism alone is an adequate stimulus for the industrialization of a backward country. To be sure some of his contentions, such as the distinction between "national gain" and "individual profit," have been considerably elaborated in recent years, and the recognition of the extent of hidden unemployment in a peasant society has led to numerous recommendations that planned industrialization is the only remedy; but such recommendations (e.g., K. Mandelbaum's *The Industrialization of Backward Areas*) are based upon premises quite different from Manoilescu's. For a critical appraisal of Manoilescu's theory see J. B. Condliffe's review in *The Economic Journal*, 43 (1933), 143-145, and Jacob Viner's review in the *Journal of Political Economy* (1932). M. Kalecki's review of the German edition of Manoilescu's work, in *The Economic Journal*, 48 (1938), 708-711, is relatively favorable as regards Manoilescu's recognition of the plight of backward countries, though critical of his theoretical approach.

20. Manoilescu, *Theory of Protection*, p. 30, n. 1.

effect of increasing this inequality and extending the power of the industrial groups. Moreover, the policy of extending protection exclusively to industry and not to agriculture—whatever its intrinsic benefits for the national economy—would mean increased costs for the agricultural sector, uncertain markets, and, at best, a forced transfer of personnel from agriculture into industry. Furthermore, if over three-fourths of the electorate belongs to the peasantry, it is difficult to see how such a process could be achieved within the framework of a representative government. 229 ● 665

Manoilescu's response, quite naturally, was to abandon liberal politics and take up corporatism on the Italian model. In the 1930's he wrote a number of articles on the "Century of Corporatism." In 1934, for example, he made a comparison of the liberal, the Communist, and the corporative societies.²¹ Corporate society "is characterized by organization. It allows freedom of individual possession of the means of production. The corporative economy assumes that the maximum of social welfare is realized by the discipline of economic activities in harmony with the ends of the state. Its motto is: National interest; its representative type: the organizer." Employing a quasi-scientific jargon, Manoilescu defined "corporative space" as a

space where the egoistic impulses of the individual do not cease to exist and always represent active forces, but where, in addition to these forces [which are the sole qualities of a "liberal space"] there is a system of forces which direct individual actions toward a common goal created by the ends of the state. . . . Corporative space is a "magnetic field" dominated by national "lines of force" directed uniformly toward the ends assigned by the state.²²

It is not necessary to take Manoilescu's utterances on this line very seriously or to inquire who was to determine these all-powerful state aims. He welcomed the coming of the royal dictatorship as the embodiment of the necessary revolution against outworn forms.²³ Apart from the vanity and opportunism which runs through his work, the significance of his writings lies:

1) in the evolution they display from the neoliberalism of the 1920's to the more thoroughgoing corporatism of the 1930's, and

21. *L'Espace corporatif* (Paris, 1934).

22. *Ibid.*, p. 6.

23. It is somewhat ironic that Manoilescu, who had boasted of his friendship with Mussolini and the Germans, should have been forced as Minister of Foreign Affairs to sign the Vienna Award in 1940, by which his fascist friends obliged Rumania to give up Northern Transylvania. The blow was so great that he collapsed at the conference table.

529 2) the distinctly undemocratic implications of this evolution in
665 economic ideas, at least in their Rumanian context.

It would be absurd to suppose that the actual development of Rumanian economic policy was based upon any such theoretical considerations, but there is a reasonably close parallel between the progress of Manolescu's ideas and the development of the economic and industrial policy of the Rumanian government from that of the old Liberals under Vintilă Brătianu to that of the Liberal government of the 1930's. Although the old Liberals had favored a program of industrialization with state support, it was handled primarily through the private banks, controlled by the Liberals, and was directed chiefly toward extracting natural resources and creating secondary industries. Moreover, the tight-fisted fiscal policy of Vintilă Brătianu had served as a check on economic activity.

178 After 1933 industrialization proceeded at a much more rapid
433 tempo and in a somewhat different direction. The private banks after the depression played a less important part in financing industry; the principal initiative was by the National Bank or the state itself, both through state-owned corporations and through the growing importance of the state as consumer of industrial products. Expansion was most extensive in heavy industry; large cartels appeared and there was a notable concentration of industrial activity. Between 1933 and 1938 the number of "large" industrial concerns (i.e., with at least 20 workers and more than 10 horsepower) increased only from 3,487 to 3,767, whereas the installed horsepower increased from 529,965 to 746,789, and the employed personnel from 184,777 to 289,117.²⁴ The horsepower employed in capital goods industries increased from 287,266 in 1932 to 452,870 in 1937, as contrasted with a more modest increase from 237,442 to 289,666 in consumer goods industries. The output in quantity of capital goods had by 1937 increased by 57.4 per cent over the 1927 level, consumer goods by 45 per cent.²⁵ The production of steel, which had hit a high of 143,511 metric tons in 1928, and dropped to a low of 103,046 in 1932, rose from 144,766 tons in 1933 to 276,532 in 1938.²⁶ There was no doubt that the policy was directed toward heavy industry and was having results.

Two important reasons for this industrialization were, of course, the depression and the rearmament program. The collapse of the grain market and the spread of agrarian protectionism among the

24. Madgearu, *Evoluția economiei românești*, p. 149.

25. *Ibid.*, p. 160.

26. *Breviaire statistique de la Roumanie* (1940), p. 164.

000 ier peasants. As a matter of fact, both these contentions were true to a certain degree, as has been seen above in Chapter 8. But the Communists greatly exaggerated the extent both of large estates and of differentiation, and their statistical efforts to prove their point were either inaccurate or patently false.³⁵

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185 The adoption of the Popular Front in 1935 led to a corresponding modification in the Communist agrarian policy. While ultimate aims of socialism were not renounced, a distinction was drawn between socialist reforms and reforms designed to restore democracy. The militant revolutionary note of the early pronouncements was dropped. The new policy appears in Lucrețiu Pătrășcanu's study of the basic problems of Rumania, *Problemele de bază ale României*, written during the war but showing the influence of the Popular Front tactic. Pătrășcanu was no proletarian but the son of a socialist intellectual and himself a lawyer. He was not Moscow-trained, and while his writings were based upon Lenin, they have a certain Western outlook. He led the Rumanian Communist party in 1944, was Minister of Justice in the coalition governments and in the Groza cabinet until the beginning of 1948. His influence in the party diminished steadily after the return of the comrades who had been in Moscow, and he was eventually discharged from his position because he had become "the exponent of bourgeois ideology and detached himself from the masses and from the ideology and principles of the working class."

Much of Pătrășcanu's analysis of the Rumanian agrarian problem is sound and illuminating, although on many points of fact he obviously relied on the information compiled by the National Peasant economist Virgil Madgearu. He was fully aware, of course, of the unhealthy state of Rumanian agriculture, the persistence of extensive cereal cultivation and low level of productivity, the failure of the 1918-1921 land reforms to establish a prosperous peasantry, the persistence of metayage and other semiservitudes, the proletarianization of the poorer peasantry, and the inability of a great number of Rumanian peasants to support themselves on their meager holdings. In trying, however, to adapt this promising material to perfect Marxist-Leninist categories he overtaxed the evidence; he exaggerated the failure of the 1918-1921 reforms to equalize land holdings, he probably gave too much importance to the differentiation between the poor and the rich peasants, and in attempting to demonstrate the

35. Two such examples are S. Timov, "Wird Rumänien agrarisiert oder industrialisiert?" *Agrarprobleme*, International Agrarinstitut Moskau, Band 2, Heft 2 (1929), pp. 310-346; and Tatarow, "Die Agrarkrise in Rumänien," *Agrarprobleme*, Band 4, Heft 2 (1931), pp. 44-60.

prevalence of agricultural laborers he definitely mishandled his statistics.³⁶

Pătrășcanu was at his best in showing that the optimistic statements of official Rumanian spokesmen during the interwar years were altogether unjustified, and at his worst in reducing the agrarian question to an oversimplified formula. He was too intent upon proving that all difficulties could be laid at the door of Rumanian capitalism, with the support of the moribund but sinister boyar class. There is of course a certain amount of truth in this contention, but it served to distort his analysis. For example, "overpopulation"—as a cause of economic misery was obviously unwelcome to him since it put the blame outside the realm of political economy and made it an act of God. He was correct in maintaining that Rumanian officialdom had all too eagerly seized upon overpopulation in recent years as a perfect scapegoat for the prolonged failure to improve agriculture, but it cannot be written off as an unimportant factor. Pătrășcanu, however, felt obliged to attack it and devoted considerable attention to destroying the "myth" of overpopulation. He distinguished, quite properly, between absolute or biological overpopulation and an overpopulation resulting from economic circumstances. In his view there were three principal causes of this relative, or economic, overpopulation:

1) the existence of large properties, whereby 25,000 families held a quarter of the arable land, thus depriving hundreds of peasants of the possibility of creating a holding (according to the 1930 census 25,000 exploitations of over 50 hectares occupied only 18.8 per cent of the arable surface);

2) under semiservile conditions labor was intensively exploited; consequently one man was driven to accomplish the work on a piece of land which normally would provide a living for three;

3) the extensive use of women and children in place of men on boyar estates produced the appearance of overpopulation.

While these conditions, all of which he associated with the existence of large properties, doubtless had some effect—especially the first—they were certainly not the major reasons for Rumanian agrar-

36. Virgil Madgearu (*Evoluția economiei românești*, p. 358), making use of some calculations of the agrarian economist Roman Cresin, stated that while small cultivators under 5 hectares had an excess of labor power, middle and large properties required additional labor, evaluated at 190 million days a year. Of this, 40 per cent (around 371,300) was undertaken by paid agricultural laborers, and 60 per cent represented supplementary work performed by the families of small proprietors. Pătrășcanu, however (*op. cit.*, p. 85), took this figure of 40 per cent of paid agricultural laborers, equated it with the fact that 40 per cent of the arable land in Rumania in 1930 was in holdings over 10 hectares, and gave the quite unjustified impression that in effect agricultural laborers were responsible for the cultivation of all land over 10 hectares.

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RELIGION BEHIND THE IRON CURTAIN

- 829 Meanwhile the effort to promote the Communist view of
861 life through the schools and the youth organizations continues unabated. It has often been pointed out that this program of indoctrination has three aspects. The first is a compendium of all the arguments against religious belief which have been formulated by psychologists, sociologists, and anthropologists in many countries. On the one hand, the compendium joins forces with Marx by viewing religions as derivatives from the class struggles of the past. On the other hand, it reflects a pseudo-Nietzschean quest for a new morality. The second aspect is the identification of religion with "capitalism," the most detested of all enemies, and the contention that the Churches are mere pious instrumentalities through which the "warmongers" rouse the masses to hatred of "democracy." On this level the Communists seek to identify their view of life with "peace," and thus to confuse persons who have been taught to consider Christianity as the Gospel of Love. The third aspect is one which also characterized Nazism. The Christian Churches, the Roman Catholic in particular, are described as sappers of the virility of mankind, prevented by yearning for eternal bliss from getting the necessary work done on this earth. By comparison the Stalinist-Leninist doctrines are described as the sole ideological foundations on which society can rest.

There is nothing anyone resident there can do about this tidal wave of propaganda save to endure it in silence.